

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

**FILED**

SEP 20 2017

Clerk, U.S. District Court  
District Of Montana  
Missoula

BNSF RAILWAY CO.,

CV 16-24-M-DLC

Plaintiff and Counter-  
Defendant,

ORDER

vs.

TOLTZ, KING, DUVALL,  
ANDERSON AND ASSOCIATES,  
INC.,

Defendant and Counter-  
Claimant.

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TOLTZ, KING, DUVALL,  
ANDERSON AND ASSOCIATES,  
INC.,

Third-Party Plaintiff,

vs.

SAFE HARBOR ACCESS SYSTEMS,  
LLC; SAFE HARBOR ACCESS  
SYSTEMS II, LLC; SAFE HARBOR  
ACCESS SYSTEMS II, a/k/a SAFE  
HARBOR II,

Third-Party Defendants.

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Before the Court is Plaintiff BNSF Railway Co.'s ("BNSF") Unopposed

Motion for Leave to File the Affidavit of Marion Brown II and Documents Under Seal and for In Camera Review. After considering the motion and good cause appearing,

IT IS ORDERED that Plaintiff BNSF's Motion (Doc. 123) is GRANTED. BNSF shall file the Brown II Affidavit and documents under seal in the manner directed by the Clerk of Court and will be considered by the Court through in camera review in connection with BNSF's Motion for Summary Judgment (Doc. 100) and BNSF's reply brief in support of the same.

Dated this 20<sup>th</sup> day of September, 2017.



Dana L. Christensen, Chief Judge  
United States District Court